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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 002909

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#)

SUBJECT: EU-RELATED DRAFT REFORM BILL REFLECTS GOT STRUGGLE
OVER HUMAN RIGHTS REFORM

REF: A. 02 ANKARA 8564

[B](#). ISTANBUL 202

[C](#). 02 ANKARA 8881

[D](#). 02 ANKARA 7290

Classified by Polcouns John Kunstadter; reasons 1.5 b and d.

[1](#). (C) Summary: The GOT has prepared a new package of EU-related legislative reforms, which it expects to introduce in Parliament by late May. Proposed measures relating to Kurdish broadcasting and non-Muslim foundations are designed to loosen restrictive regulations adopted pursuant to previous reforms. According to some press accounts, the Justice Ministry has watered down or eliminated some elements of the package. The piecemeal nature of the package reflects internal GOT conflict over human rights reform and EU membership. End Summary.

Measure by Measure

[2](#). (U) The original draft includes the following measures:

[3](#). (C) Kurdish Broadcasts: Broadcasting regulations would be amended to allow private TV and radio outlets to broadcast in Kurdish and other traditional non-Turkish languages. Regulations adopted in November allow such broadcasts only on outlets of TRT, the state-owned media company (reftel A).

-- Analysis: This is the second effort by the GOT and Parliament to loosen restrictions on Kurdish broadcasting. Legislators in August 2002 adopted a measure making such broadcasts legal, but subsequent implementing regulations placed tight restrictions on the practice, which U.S. and EU observers sharply criticized. TRT is conducting a study to determine which minority languages are needed in which regions, but to date there are no such broadcasts on the air. Our sources say TRT officials resent being tasked with creating the new programming without additional resources. While this amendment promises to remove one obstacle, other obstacles, including a strict time limit, would apparently remain in place. The tug-of-war over Kurdish broadcasting reflects a wider struggle that pits pro-EU, pro-reform elements of the GOT -- dominated by officials from the MFA and Justice Ministry and some members of Parliament -- against nationalistic opponents in the military, judiciary, and bureaucratic offices dealing with religion, broadcasting, and higher education.

[4](#). (C) Places of Worship: The Act on Construction would be amended to allow for the building of "houses of worship" rather than "mosques," removing a legal obstacle to the construction of non-Muslim places of worship.

-- Analysis: Asligul Ugdul, director for political affairs at the GOT's EU Secretariat, told us this article was added under pressure from the German Government. A community of approximately 7,000 Germans in the Alanya region on the Mediterranean Coast has been unable to receive permission to build a church under the existing legislation. As long as permission depends on local authorities, we expect delays and obstruction to continue even under a new amendment.

[5](#). (U) Election Broadcasts: Restrictions on pre-election campaign broadcasting would be reduced from one week to 24 hours before election day. Sanctions would be directed at specific programs rather than stations.

-- Analysis: In the run-up to the November elections the GOT

closed a number of TV and radio stations for violating the principles of "impartial broadcasting" and "equality among political parties."

16. (C) Minority Foundations: Recent regulations allowing non-Muslim community foundations to own property (reftels B-D) would be amended to extend the application deadline from six months to 18 months from the date of the original legislation. The original deadline expired in February 2003; this measure would apparently extend it to February 2004.

-- Analysis: As in the case of Kurdish broadcasting, there has been an internal struggle over this reform. A broadly worded legal amendment adopted by Parliament in August was followed by a restrictive implementing regulation widely criticized by non-Muslim groups. Parliament in January passed a follow-on amendment addressing one such criticism by simplifying the approval process for acquiring property. This measure is an attempt to address another common criticism. However, the new amendment will not overcome other bureaucratic obstacles raised by local officials.

17. (C) Anti-Terrorism Law: Article 8 of the Anti-Terror law would be repealed. This measure outlaws written and oral communication "aiming at damaging the indivisible unity of the State."

-- Analysis: Article 8 is one of the measures the GOT has traditionally used to silence its critics. Though it is purportedly an anti-terror measure, it is used primarily to punish critical speech that has no link to violence. The EU has called for the elimination of this measure. According to a press report, the Justice Ministry has changed the reform package so that Article 8 would be revised rather than repealed (Note: There are conflicting press reports. Embassy will confirm status of the package and report septel. End Note).

18. (U) Deletion of Criminal Records: Criminal Records legislation would be amended to allow for the deletion of records in cases where the European Court of Human Rights has ruled in favor of a defendant, or where a friendly settlement has been reached.

-- Analysis: According to a press report the Justice Ministry has dropped this draft amendment.

19. (U) Honor Killings: The Penal Code would be amended to remove measures allowing for lighter sentences in cases of "honor killings" -- the killing by immediate family members of women who are suspected of being unchaste.

-- Analysis: Existing legislation appears to condone this practice, which occurs most often in conservative, Kurdish families.

110. (U) Kurdish Names: Census legislation would be amended to remove the prohibition against names that are contrary to the "national culture" and "customs and traditions."

-- Analysis: Existing legislation is frequently used to ban traditional Kurdish names. In some cases, parents have been charged with a crime for selecting such names.

111. (C) Broadcasting and Film Boards: Regulations would be amended to remove National Security Council (NSC) nominees from the High Board of Radio and Television, as well as the NSC representative from the Cinema, Video and Musical Works Council.

-- Analysis: These measures are designed to reduce the military's censorship authority. The military-dominated NSC has long been criticized for its role in restricting speech critical of the State. The Justice Ministry has reportedly dropped this draft amendment.

Comment - European Reaction

112. (C) Several European diplomats told us the draft package, at least in its initial form, appears to represent another positive step toward meeting EU membership criteria. However, a visiting official from the UK MFA's EU Enlargement

Department complained that this package, like previous reform packages, is piecemeal and not prioritized in accordance with EU reports. This lack of order reflects the dynamics of the GOT's reform efforts. Our contacts tell us officials in the MFA and EU Secretariat have prepared extensive draft legislation designed to meet fully EU membership criteria. The officials hold onto these drafts, pulling various elements together into packages and sending them to the relevant ministries when they sense there is the political will to act on them. If the reports of major revisions to this package are accurate, it would appear that the pro-reform technocrats miscalculated on the political will to promote some of these measures.

PEARSON